

SINCE I AM FAR FROM A COPYRIGHT EXPERT THIS TESTIMONY
WILL BE SHORT AND I HOPE TO THE POINT.

MY NAME IS LINDA CROWE AND I AM THE DIRECTOR OF THE
BAY AREA LIBRARY AND INFORMATION SYSTEM, THE
PENINSULA LIBRARY SYSTEM AND THE SILICON VALLEY
LIBRARY SYSTEM. EACH IS A CONSORTIUM OF PUBLIC
LIBRARIES COVERING THE CORE OF THE BAY AREA INCLUDING
THE PUBLIC LIBRARIES IN THE COUNTIES OF ALAMEDA,
CONTRA COSTA, SAN FRANCISCO SAN MATEO AND
SANTA CLARA. THE SERVICE AREA CONSISTS OF 25 INDIVIDUAL
JURISDICTIONS AND OVER 175 OUTLETS OR MAIN LIBRARIES
AND BRANCHES.

ALL OF THESE OUTLETS HAVE PUBLIC ACCESS TO ELECTRONIC
RESOURCES SOME WITH ONLY A SINGLE TERMINAL SOME WITH
MORE THAN 100 TERMINALS OPEN FOR PUBLIC USE AND THEY
ARE IN USE FROM THE TIME THE LIBRARIES OPEN UNTIL THEY
CLOSE.

PUBLIC LIBRARIES SEE THEMSELVES PLAYING A CRITICAL
ROLE IN PROVIDING ELECTRONIC ACCESS TO INFORMATION
AND IT IS PARTICULARLY IMPORTANT THAT NEW

TECHNOLOGIES SUPPORT AND ENHANCE , NOT IMPEDE THE ABILITY OF PUBLIC LIBRARIES TO PROVIDE THESE SERVICES. MANY CONSIDER THE PUBLIC LIBRARY AS THE PUBLIC TRANSPORTATION TO THE INFORMATION SUPERWAY AND I SUPPOSE THAT IS SOMEWHAT DESCRIPTIVE OF THEIR ROLE. MUCH HAS BEEN MADE OF THE DIGITAL DIVIDE IN THIS STATE AND THROUGHOUT THE COUNTRY. THE AREA THAT THE LIBRARIES WE REPRESENT ARE IN ONE OF, IF NOT THE MOST, WIRED AREA IN THE COUNTRY YET THERE ARE INFORMATION HAVES AND HAVE NOT AND THE DIGITAL DIVIDE IS AS REAL HERE AS ANYWHERE ELSE. WHERE ELSE CAN A TEENAGER WHO LIVES IN EAST PALO ALTO, PARTS OF W OAKLAND OR BAYVIEW HUNTER'S POINT GO TO ACCESS THE RESOURCES HE OR SHE NEEDS TO COMPLETE A HOMEWORK ASSIGNMENT OR DO RESEARCH ON A SUBJECT OF PERSONAL INTEREST?

OUR LIBRARIES ARE SPENDING MORE AND MORE SCARCE DOLLARS ON RESOURCES IN ELECTRONIC FORMATS , FOR EXAMPLE WE WILL SPEND CLOSE TO 1.5 MILLION DOLLARS ON ELECTRONIC DATABASES NEXT YEAR AND WE ARE

CONSTANTLY TRYING TO MEET REQUESTS FOR MORE. WE
NEED TO BE ABLE TO ASSURE OUR USERS THAT
WITHIN THE LIMITS OF FAIR USE PEOPLE WHO NEED THEM
WILL HAVE THEM AVAILABLE. I MENTIONED THE DIGITAL
DIVIDE AND THAT PUBLIC LIBRARIES MAY BE THE ONLY PLACE
THAT SOME PEOPLE MAY BE ABLE TO USE THESE RESOURCES.
WE ALSO FIND THAT MORE AND MORE PEOPLE WHO HAVE
ACCESS TO THE INTERNET ELSEWHERE COME TO THE PUBLIC
LIBRARIES BECAUSE LIBRARIANS HAVE ORGANIZED THE
INFORMATION AND CAN HELP ACCESS WHAT THE USER
REALLY NEEDS MORE QUICKLY AND MORE EFFECTIVELY.
THESE USERS NEED RESEARCH DONE IN WHATEVER FORMAT
IS AVAILABLE AND PUBLIC LIBRARIES NEED TO BE ABLE TO
SUPPLY THESE FORMATS WITHOUT UNDUE TECHNICAL
CONSTRAINTS, COSTS OR CHARGES. AT THIS POINT MOST
PUBLIC LIBRARIANS ARE NOT TALKING MUCH ABOUT THE
DMCA COPYRIGHT AND FAIR USE BECAUSE THEY HAVE LIVED
WITH AND ACCEPTED THESE PRINCIPLES. NOW WE HAVE THIS
BROAD NEW LAW THAT CONFUSES AND CONCERNS US
BECAUSE OF THE AMBIGUITY AND APPARENT CONTRADICTION.

ON ONE HAND WE HAVE THE ANTICIRCUMVENTION SECTION 1201 AND ON THE OTHER HAND AS I UNDERSTAND IT WE THE PROVISION TO 1201 THAT SAYS “ NOTHING IN THIS SECTION SHALL AFFECT RIGHTS, REMEDIES, LIMITATIONS, OR DEFENSES TO COPYRIGHT INFRINGEMENT, INCLUDING FAIR USE UNDER THIS TITLE.”

WE NEED A CLEAR PRECISE SENSE OF WHAT IS AND IS NOT PROPER SO WE CAN EXERCISE THOSE RIGHTS . WITHOUT THIS PRECISENESS WE ARE LIKELY TO ERR ON THE SIDE OF CAUTION, POSSIBLY RESTRICTING ACCESS TO INFORMATION TO THOSE WHO NEED IT AND DENYING THEM THE RIGHTS TO USE IT IN WAYS THAT ARE LEGAL UNDER CURRENT COPYRIGHT LAW.

I WOULD URGE THE LIBRARIAN TO ISSUE EXEMPTIONS THAT PROTECT THE RIGHTS OF CONTENT OWNERS, BUT ALLOW US TO SERVE OUR PUBLIC THAT IS THE MILLIONS OF PEOPLE WHO USE AND DEPEND ON PUBLIC LIBRARIES.

THANK YOU

